

I. Reply to Election/Restriction Requirement

At page 2 of the instant Office Action, the Examiner restates the restriction requirement made in the Office Action dated 31 December 2001. Applicants filed a response thereto on 28 February 2002, and again on 08 November 2002, electing for examination purposes with traverse the invention claimed in claims 1-16. Applicants restate the election made previously that claims numbered 1-16 be examined and that claims numbered 17-20 be withdrawn, with traverse.

Applicants believe that they have responded fully and completely to the restriction requirement. However, if the Examiner believes unresolved issue remain with respect thereto, Applicants respectfully request the Examiner to contact Applicants' undersigned counsel.

II. Drawings

At page 3 of the instant Office Action, the Examiner objects to the drawings on the basis that reference numeral 130 is shown in the drawings but not mentioned in the specification. Applicants have reviewed the drawings and specification and find -- particularly -- that reference numeral 130 is used only in Figure 4, but that it is not recited anywhere in the specification. This is purely a clerical oversight, for which Applicants apologize.

Applicants respectfully submit herewith a complete set of corrected drawing sheets numbered 1-9 having corrected Figures 1-13 arranged thereon, wherein reference numeral 130 has been completely removed therefrom. Applicants believe that they have responded fully and completely to the Examiner's objection to the drawings. However, if the Examiner believes unresolved issue remain with respect thereto, Applicants respectfully request the Examiner to contact Applicants' undersigned counsel.

III. Specification

At page 3 of the instant Office Action, the Examiner objects to the specification on the basis that at page 9, line 31, the reference to “FIGS. 2, 3-5...” should read “FIGS. 1, 3-5...”. Applicants have reviewed the specification and agree with the Examiner’s assessment. Included herewith is an amendment instructing the appropriate change to the specification. Applicants believe that they have responded fully and completely to the Examiner’s objection to the specification. However, if the Examiner believes unresolved issue remain with respect thereto, Applicants respectfully request the Examiner to contact Applicants’ undersigned counsel.

IV. Claim Rejections - 35 U.S.C. 102 (Claims Numbered 1-3)

At page 3 of the instant Office Action, the Examiner alleges that claims numbered 1-3 are anticipated by U.S. Patent No. 3,089,248 to Haggar (“Haggar ‘248”) and rejects said claims 1-3 under 35 U.S.C. 102(b). Applicants respectfully *traverse* the Examiner’s rejection to claims 1-3 on the basis of Haggar ‘248, and respectfully submit the following comments in support thereof.

The Examiner states that Haggar ‘248 “discloses a machine tool comprising a body (10), 1st, 2nd and 3rd blocks (22, 24, 26, 28) mounted on said body (10) and 1st, 2nd and 3rd angular positions respectively about an arc circumscribed by a radius about an axis of rotation, and said blocks having co-planar flat surfaces each with normals parallel to said axis of rotation, said body comprising parallel first (34) and second walls ... and a third wall ... disposed normal to [sic], and connected to said first and second walls, wherein said blocks are mounted on said first wall (Figure 1).” The Examiner supports his rejection by referring to an attachment, but no such attachment was included with the Office Action. Applicants will attempt a complete response to the Examiner’s rejection without the benefit of having seen the attachment, on the basis of the

teachings of Haggar '248 solely.

Applicants respectfully disagree with the Examiner's assertion that Haggar '248 teaches a "machine tool". A "machine tool", as this term is known to those of ordinary skill in the art, is defined in the American Heritage Dictionary, Second College Edition, as a "power-drive tool for machining". "Machining" is likewise defined in the American Heritage Dictionary to mean "to be cut, shaped, or finished by a machine."

Moreover, Marks' Standard Handbook for Mechanical Engineers, Tenth Edition, (which is considered to be an authoritative reference with respect to machine design) defines "machine tools" (at page 13-50 thereof) as "lathes; screw, boring, drilling, reaming, threading, milling, and gear-cutting machines; planers and shapers; broaching, cutting-off, grinding, and polishing machines." The common design configuration among most machine tools is that they involve the removal of, cutting or bending of metal in some fashion.

The pattern cam taught by Haggar '248, in contrast to the invention recited in Applicants' claims 1-3, is not a "monitoring fixture" for a "machine tool". Indeed, the device shown in Haggar '248 has no application to a machine tool whatsoever. Instead, Haggar '248 teaches a *pattern* for assembling linked cams used in automated knitting machines so that the individual cam links are cut so as to permit close, mating arrangement therebetween.

It is apparent to those of ordinary skill in the art that a pattern for assembling linked cam segments used in automated knitting machinery is not analogous to a monitoring fixture for a machine tool. Applicants' respectfully submit that Haggar '248 does not anticipate the invention recited in Applicants' claims numbered 1-3. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1-3 on the basis that said claims 1-3 are anticipated by Haggar '248.

Applicants believe that they have responded fully and completely to the Examiner's rejection to claims 1-3 under 35 U.S.C. 102(b). However, if the Examiner believes unresolved issue remain with respect thereto, Applicants respectfully request the Examiner to contact Applicants' undersigned counsel.

V. Allowable Subject Matter

Applicants appreciate the Examiner's noting that claims numbered 9-16 are allowed and that claims numbered 4-8 contain allowable subject matter and would be allowed if amended to include the limitations of the base claims and any intervening claims. With respect to claims numbered 9-16, Applicants agree with the Examiner's assessment. With respect to claims numbered 4-8, however, and for the reasons set forth herein, Applicants respectfully request that the claims upon which claims numbered 4-8 depend are *themselves* allowable, and as such, claims numbered 4-8 are allowable in their present form. However, if the Examiner believes unresolved issue remain with respect thereto, Applicants respectfully request the Examiner to contact Applicants' undersigned counsel.

VI. Prior Art Made of Record

Applicants' counsel has reviewed the references cited by the Examiner and agrees that none of the cited references are any more pertinent to the patentability of Applicants' invention than those references discussed herein.

**CONCLUSION**

Applicants respectfully submit that all pending claims, as amended herein, are in

condition for allowance and respectfully request the Examiner to withdraw the rejections thereto and to pass the application to issue. However, if the Examiner believes that unresolved issues remain, Applicants respectfully request that the Examiner contact Applicants' undersigned counsel, who can be reached at the numbers and addresses listed below.

Respectfully submitted,

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